

HOUSE BILL 1440

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HB 723/09 – W&M

0lr3390

By: **Delegate Barve**

Introduced and read first time: February 24, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance Entity – Officers Authorized to Perform**
3 **Duties of Treasurer**

4 FOR the purpose of repealing the office of subtreasurer of a campaign finance entity;
5 authorizing the chair of a campaign finance entity to make a disbursement for
6 the campaign finance entity; requiring a chair who makes a disbursement to
7 submit a certain report to the treasurer of the campaign finance entity within a
8 certain number of days after the occurrence of certain events; prohibiting a
9 chair who is a candidate from making a disbursement; and generally relating to
10 officers of a campaign finance entity who are authorized to perform the duties of
11 the treasurer.

12 BY repealing
13 Article – Election Law
14 Section 13–211 and 13–219
15 Annotated Code of Maryland
16 (2003 Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Election Law
19 Section 13–215 and 13–218
20 Annotated Code of Maryland
21 (2003 Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Election Law**

25 [13–211.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A treasurer for a campaign finance entity may appoint a subtreasurer for
2 any county or political subdivision.

3 (b) Notwithstanding subsection (a) of this section, as to any county, a
4 treasurer of the State or county central committee of a political party may appoint a
5 subtreasurer for each precinct in the county.

6 (c) A treasurer may appoint a subtreasurer under subsection (a) or (b) of this
7 section by:

8 (1) completing a form that the State Board prescribes and that
9 includes the name and address of that subtreasurer; and

10 (2) filing the form with the board where the campaign finance entity is
11 established.]

12 13–215.

13 (a) Each chairman, treasurer, [subtreasurer,] and campaign manager shall
14 be a registered voter of the State.

15 (b) (1) Subject to paragraph (2) of this subsection, a candidate may not
16 act:

17 (i) as the treasurer [or subtreasurer] of a campaign finance
18 entity of the candidate; or

19 (ii) with respect to any other campaign finance entity:

20 1. as the campaign manager[, treasurer, or
21 subtreasurer] **OR TREASURER**; or

22 2. in any other position that exercises general overall
23 responsibility for the conduct of the entity.

24 (2) (i) An incumbent member of a central committee who is a
25 candidate for election to party office may act as the treasurer of that central
26 committee.

27 (ii) With respect to any campaign finance entity other than the
28 candidate's own campaign finance entity, a candidate for delegate to the Democratic
29 National Convention or a candidate for delegate to the Republican National
30 Convention may act:

31 1. as the campaign manager[, treasurer, or
32 subtreasurer] **OR TREASURER**; or

1 2. in any other position that exercises general overall
2 responsibility for the conduct of the entity.

3 (c) Subject to subsection (b) of this section, the chairman, treasurer,
4 [subtreasurer,] or campaign manager of a campaign finance entity may serve as the
5 chairman, treasurer, [subtreasurer,] or campaign manager of another campaign
6 finance entity.

7 13–218.

8 (a) All assets received by or on behalf of a campaign finance entity shall be:

9 (1) delivered to the treasurer; and

10 (2) maintained by the treasurer for the purposes of the campaign
11 finance entity.

12 (b) (1) Assets of a campaign finance entity may be disbursed only:

13 (i) if they have passed through the hands of the treasurer; and

14 (ii) in accordance with the purposes of the entity.

15 (2) Subject to § 13–220(b)(2) and (c) of this subtitle **AND EXCEPT AS**
16 **PROVIDED IN SUBSECTION (D) OF THIS SECTION**, the treasurer shall make all
17 disbursements for the campaign finance entity.

18 (c) The treasurer of a State or county central committee of a political party
19 may not make any disbursement of the central committee’s assets, or incur any
20 liability on its behalf, without authority and direction from the chairman of the central
21 committee.

22 **(D) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE CHAIRMAN OF**
23 **A CAMPAIGN FINANCE ENTITY MAY MAKE A DISBURSEMENT ON BEHALF OF THE**
24 **CAMPAIGN FINANCE ENTITY IN THE SAME MANNER AS THE TREASURER.**

25 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
26 **SUBSECTION, IF THE CHAIRMAN MAKES A DISBURSEMENT UNDER THIS**
27 **SUBSECTION, WITHIN 7 DAYS AFTER MAKING THE DISBURSEMENT, THE**
28 **CHAIRMAN SHALL SUBMIT A REPORT TO THE TREASURER FOR THE ACCOUNT**
29 **BOOK OF THE CAMPAIGN FINANCE ENTITY, INCLUDING:**

30 **(I) A STATEMENT OF THE EXPENDITURE MADE UNDER THE**
31 **AUTHORITY OF THE CHAIRMAN;**

1 **(II) THE NAME AND ADDRESS OF THE PERSON TO WHOM THE**
2 **EXPENDITURE WAS MADE;**

3 **(III) THE PURPOSE FOR WHICH THE EXPENDITURE WAS**
4 **MADE; AND**

5 **(IV) A COPY OF THE RECEIPT FOR THE EXPENDITURE THAT**
6 **WAS MADE.**

7 **(3) (I) IF THE TREASURER IS TEMPORARILY UNABLE TO**
8 **PERFORM THE DUTIES OF THE OFFICE AT THE TIME THE CHAIRMAN MAKES A**
9 **DISBURSEMENT UNDER THIS SUBSECTION, THE CHAIRMAN SHALL SUBMIT A**
10 **REPORT TO THE TREASURER FOR THE ACCOUNT BOOK OF THE CAMPAIGN**
11 **FINANCE ENTITY WITHIN 7 DAYS AFTER THE TREASURER RESUMES THE DUTIES**
12 **OF THE OFFICE.**

13 **(II) THE REPORT SHALL INCLUDE THE INFORMATION**
14 **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR EACH**
15 **EXPENDITURE MADE UNDER THE AUTHORITY OF THE CHAIRMAN DURING THE**
16 **PERIOD THAT THE TREASURER WAS UNABLE TO PERFORM THE DUTIES OF THE**
17 **OFFICE.**

18 **(4) A CHAIRMAN WHO IS A CANDIDATE MAY NOT MAKE A**
19 **DISBURSEMENT FOR A CAMPAIGN FINANCE ENTITY.**

20 [13-219.

21 (a) A subtreasurer shall:

22 (1) deposit, disburse, and account for funds in the same manner as,
23 and under the authority of, the treasurer;

24 (2) submit a campaign finance report under oath to the treasurer on a
25 form that the State Board prescribes; and

26 (3) include with the report a copy of each campaign contribution
27 receipt issued.

28 (b) The campaign finance report filed by the campaign finance entity under
29 Subtitle 3 of this title shall have attached to it a copy of the campaign finance report of
30 the subtreasurer and account for the items in the subtreasurer's report.]

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2010.